



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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WENDY L. WATANABE
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December 3, 2013

TO: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: Wendy L. Watanabe
Auditor-Controller

A handwritten signature in blue ink, reading "Wendy L. Watanabe", is written over the printed name and title.

SUBJECT: **PROBATION DEPARTMENT JUVENILE CAMPS – DEPARTMENT OF
JUSTICE SETTLEMENT AGREEMENT MONITORING FOR
DECEMBER 1, 2012 THROUGH FEBRUARY 28, 2013 – NINTH
STATUS REPORT**

We completed a monitoring review of the County's juvenile camps for the period of December 1, 2012 through February 28, 2013. The monitoring reviews are used to measure the Probation Department's (Probation) progress in implementing 23 of the 42 provisions included in the Department of Justice (DOJ) settlement agreement. This is our ninth status report.

Background

On August 17, 2010, your Board instructed the Auditor-Controller to monitor Probation's progress in implementing the provisions of the DOJ settlement agreement. The settlement agreement requires the County to fully implement all of the provisions by December 2014.

We are responsible for monitoring the status of 23 of the 42 provisions included in the DOJ settlement agreement. We evaluate Probation's progress in implementing each provision using monitoring tools developed by Probation and the DOJ Monitor. The monitoring tools include specific criteria, which results in a precise score. A score of 90% or higher means that Probation has achieved "substantial compliance" with the requirements of the provision. If the DOJ Monitor determines that Probation maintains

“substantial compliance” with the requirements of the provision for 12 consecutive months (14 consecutive months for Provisions 10 and 19), the DOJ Monitor will consider Probation to have “fully implemented” that provision.

Implementation Status Summary

The DOJ Monitor determined that Probation fully implemented 20 (87%) of the 23 provisions we are responsible for monitoring. Probation and the DOJ Monitor have not yet developed monitoring tools for the remaining three provisions. We continue to periodically review fully implemented provisions to ensure that Probation maintains compliance with the requirements of those provisions. During this quarterly status report, we reviewed 12 (60%) of the 20 provisions that were fully implemented.

Our review indicated that Probation maintained substantial compliance with 11 (92%) of the 12 DOJ settlement agreement provisions. Probation did not maintain substantial compliance with the DOJ settlement agreement requirements for Provision 29: Documentation of Suicide Precautions, which had an overall compliance rate of 87%. Specifically:

- Probation staff at seven (47%) of the 15 camps/units did not always review the assessments completed by the Department of Mental Health (DMH) describing the mental health needs of the minors they supervised.
- DMH staff at five (71%) of the seven camps did not always provide Probation with housing recommendations for the minors, as required.
- Camp Mendenhall management did not always ensure that minors were supervised at all times while on level-3 enhanced supervision.
- Camp Kilpatrick management did not always ensure that safety checks were completed at the required intervals for minors on level-2 enhanced supervision in the Special Housing Unit.

Because of the differences in juvenile populations and services provided among Probation’s camps/units, some of the requirements for Provision 29 only apply to some of the camps/units. Probation and DMH management have indicated that they will take the necessary corrective actions to address the areas identified above, to ensure substantial compliance is maintained for this provision.

Attachment I is a summary of our monitoring results for this review period. Attachment II is a description of each of the provisions we are responsible for monitoring.

Acknowledgement

We thank Probation management and staff for their cooperation and assistance during our review. Please call me if you have any questions, or your staff may contact Don Chadwick at (213) 253-0301.

WLW:AB:DC:AA:gh

Attachment

c: William T Fujioka, Chief Executive Officer
Jerry E. Powers, Chief Probation Officer
Marvin J. Southard, D.S.W., Director, Department of Mental Health
Mitchell H. Katz, M.D., Director, Department of Health Services
Arturo Delgado, Ed.D., Superintendent, Los Angeles County Office of Education
Public Information Office
Audit Committee

**DOJ Settlement Agreement for Probation Camps
Provisions Monitored by the Auditor-Controller
Summary of Monitoring Results
December 1, 2012 through February 28, 2013**

Twelve Provisions Monitored During This Review Period

Provision	Description	Fully Implemented (a)	Auditor-Controller Results (b)
10	Use of Force	12/31/2012	99%
11	Oleoresin Capsicum (OC or Pepper) Spray	2/27/2012	95%
12	Use of Force Review	10/30/2012	95%
14	Consumption of Alcohol by Staff	2/27/2012	94%
19	Reduction of Youth-on-Youth Violence (YOYV)	12/31/2012	96%
20	Child Abuse Reporting	10/30/2012	93%
23	Grievance System	2/27/2012	94%
29	Documentation of Suicide Precautions	10/30/2012	87%
31	Suicide Precautions for Youth Awaiting Transfer to Another Facility	10/30/2012	100%
32	Training (Suicide Prevention)	10/30/2012	92%
34	Screening	2/27/2012	96%
46	Discharge Summaries	2/27/2012	94%

Three Provisions Without Monitoring Tools (c)

Provision	Description	Fully Implemented (a)	Auditor-Controller Results
17	Rehabilitation & Behavior Management	TBD	N/A
43	Substance Abuse	TBD	N/A
73	Increased Access to Community Alternatives	TBD	N/A

Eight Provisions Not Monitored During This Review Period

Provision	Description	Fully Implemented (a)	Auditor-Controller Results
16	Orientation	11/29/2011	N/A
18	Staff Training and Supervision of Youth	10/30/2012	N/A
21	Child Abuse Investigation	10/30/2012	N/A
24	Youth Movement Between Probation Camps and/or Halls	10/30/2011	N/A
25	Development and Implementation of Suicide Prevention Policy	10/30/2011	N/A
27	Management of Suicidal Youth	10/30/2012	N/A
30	Supervision of Youth at Risk of Self-Harm	10/30/2012	N/A
45	Staff Understanding of Mental Health and Developmental Disability Needs	10/30/2012	N/A

Footnote Legend

- (a) The DOJ Monitor indicated that Probation fully met the requirements of this provision by maintaining "substantial compliance" with this provision for 12 consecutive months (14 consecutive months for provisions 10 and 19).
- (b) For purposes of our review, we consider provisions not in substantial compliance with a less than 90% result.
- (c) Probation and the DOJ Monitor have not finalized the monitoring tools needed to measure compliance with these provisions.

Los Angeles County Probation Department
Juvenile Camps
DOJ Settlement Agreement Provisions
December 1, 2012 through February 28, 2013

Twelve Provisions Monitored During This Review Period

Provision 10 – Use of Force: The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.

Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray: The County shall develop and implement policies, procedures, and practices to restrict the use of OC spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to individuals who need to carry and use it, prevent the use of OC spray, wherever possible, on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

Provision 12 – Use of Force Review: The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they can use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

Provision 14 – Consumption of Alcohol by Staff: The County shall ensure that staff at the Probation camps do not maintain or consume alcohol at the camps.

Provision 19 – Reduction of Youth-on-Youth Violence (YOYV): The County shall develop and implement strategies for reducing YOYV that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

Provision 20 – Child Abuse Reporting: The County shall develop policies, practices, and procedures to define those circumstances in which staff must report allegations of child abuse or neglect to the appropriate external agencies.

Provision 23 – Grievance System: The County shall develop an effective grievance system to which youth have access when they have complaints, ensure that grievances may be filed confidentially, and ensure that they receive appropriate follow-up, including informing the author of the grievance about its outcome, and tracking implementation of resolutions. The County shall ensure that the grievance system provides youth with a safe avenue to report abuse, staff misconduct, or unfair treatment.

Provision 29 – Documentation of Suicide Precautions: The County shall develop and implement policies, procedures, and practices to ensure that the following

information is thoroughly and correctly documented, and provide information to all staff who need to know such information: a) the times youth are placed on and removed from precautions; b) the levels of precautions on which youth are maintained; c) the housing locations of youth on precautions; d) the conditions of the precautions; and e) the times and circumstances of all observations by staff monitoring the youth.

Provision 31 – Suicide Precautions for Youth Awaiting Transfer to Another Facility: The County shall develop and implement policies, practices, and procedures to ensure that adequate suicide precautions are provided to youth who are awaiting transfer to another facility for assessment (mental health assessment).

Provision 32 – Training (Suicide Prevention): The County shall ensure that all Camp staff who work with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters, such as the location and use of a cut-down tool in the event of a youth's attempted hanging.

Provision 34 – Screening: The County shall develop and implement policies, procedures, and practices for initial mental health screening to allow the identification of previously diagnosed and potentially existing mental health or substance abuse disorders, including potential suicidality. Such screening shall take place within 48 hours prior to a youth's arrival at a Camp, or within 24 hours after a youth's arrival at a camp.

Provision 46 – Discharge Summaries: The County shall provide aftercare planning and discharge summaries for youth leaving the facility who have, or have had, open mental health cases at a camp to facilitate treatment in future placements.

Three Provisions Without Monitoring Tools

Provision 17 – Rehabilitation & Behavior Management: The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

Provision 43 – Substance Abuse: The County shall develop and implement policies, procedures, and practices to address substance abuse disorders appropriately.

Provision 73 – Increased Access to Community Alternatives: The County shall ensure that treatment and services referenced in the Memorandum of Agreement are provided in the least restrictive setting, consistent with public safety, the best interests of the youth, and the goal of rehabilitation.

Eight Provisions Not Monitored During This Review Period

Provision 16 – Orientation: The County shall ensure that all youth, including those who are disabled or Limited English Proficient, receive orientation sufficient to communicate important information, such as how to access the grievance system, medical care, and mental health services, or report staff misconduct.

Provision 18 – Staff Training and Supervision of Youth: The County shall ensure that staff who work with youth residents have the knowledge and skills needed to effectively manage youth, including de-escalation techniques, crisis intervention, youth development, and supervision.

Provision 21 – Child Abuse Investigation: The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse. Staff that is the subject of an allegation of child abuse shall be removed from direct youth supervision pending the outcome of the referral or investigation.

Provision 24 – Youth Movement Between the Probation Camps or Between the Probation Camps and the County Juvenile Halls: The County shall ensure that movement of youth residents between facilities does not interfere with ongoing testing or provision of medical, mental health, or educational services at the camps, unless court proceedings, treatment, or security needs require such movement.

Provision 25 – Development and Implementation of Suicide Prevention Policy: The County shall develop and implement adequate policies, procedures, and practices relating to suicide prevention.

Provision 27 – Management of Suicidal Youth: The County shall develop and implement policies, procedures, and practices to ensure that mental health staff is sufficiently involved with Probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs, and decisions and appropriate clothing, bedding, and housing.

Provision 30 – Supervision of Youth at Risk of Self-Harm: The County shall sufficiently supervise youth newly assigned to a Camp, youth in seclusion, and other youth at heightened risk of self-harm to maintain their safety.

Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs: The County shall ensure that all staff working with youth residents have the skills and information necessary to understand behaviors of, engage in appropriate interactions with, and respond to needs of, youth with mental illness and developmental disabilities.